

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THERMION, INC.,

Plaintiff,

v.

THERMION METALIZING SYSTEMS,
LTD.,

Defendant.

Case No. C05-5409FDB

ORDER DENYING PLAINTIFF'S
MOTION FOR CLARIFICATION
AND RECONSIDERATION

Plaintiff requests clarification and reconsideration of the March 21, 2006 Order Granting Certain Preliminary Injunctive Relief To Defendant and Denying Plaintiff's Motion for Preliminary Injunction. Plaintiff contends that Defendant has ceased using the "Long T" Thermion logo. Plaintiff also asserts that it will be very costly to change its marketing and advertising materials and to print new equipment labels and supplies; thus Plaintiff asserts the need for a higher bond of \$150,000.


Defendant opposes Plaintiff's motion for several reasons, among them that it agreed not to enforce the injunction until seven days after mediation that was to occur on April 21, 2006. Additionally, Defendant argues that there is no manifest error or new fact of law raised that could not have been raised earlier with reasonable diligence; it is misleading to state that Defendant has not

1 been using the marks at issue; and Plaintiff's estimates of the cost and time required to comply with
2 the injunction are inflated.

3 Having considered the parties' submissions and having reviewed its earlier order, Plaintiff's
4 motion must be denied.

5 ACCORDINGLY, IT IS ORDERED: Plaintiff's Motion for Clarification and
6 Reconsideration [Dkt. # 61] is DENIED.

7 DATED this 24th day of May 2006.

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11 FRANKLIN D. BURGESS
12 UNITED STATES DISTRICT JUDGE
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